

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Friedbauer et al.	)	
	)	Examiner: Jose A. Fortuna
Application No. 10/648,637	)	
	)	Group Art Unit No. 1731
Filing Date: August 25, 2003	)	
	)	Confirmation No. 3892
Title: PATTERNED FELTS FOR BULK AND	)	
VISUAL AESTHETIC DEVELOPMENT OF A	)	
TISSUE BASESHEET	)	

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(b)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on July 23, 2007 indicating that the issue fee is due on October 23, 2007. The issue fee is being submitted for the present application in conjunction with this request for reconsideration of the patent term adjustment. The Patent Application Information Retrieval (PAIR) system and the notice of allowance both indicate a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of **110** days. A copy of Notice of Allowance for the present application is included herewith as Exhibit A.

Applicants' Attorney believes that the patent term adjustment should be **431** days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicants' Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

**Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704**

**Period of adjustment pursuant to 37 C.F.R. § 1.704(b)**

Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the 3 month date) that is three months after the date of mailing or transmission of an Office communication notifying the applicant of a rejection, objection, etc., and ending on the date a corresponding reply was filed.

In the present application, a Notice to File Missing Parts of Nonprovisional Application was mailed on November 2, 2004 (attached as Exhibit C). The 3 month date was therefore February 2, 2005. A response by the Applicants' Attorney to the Notice to File Missing Parts of Nonprovisional Application was mailed on December 30, 2004 and filed with the U.S. Patent and Trademark office on January 3, 2005 (attached as Exhibit D). The response was therefore timely filed in the U.S. Patent and Trademark Office prior to the 3 month date, and it is believed that no delay should have been attributed to the Applicants' Attorney based on the response. However, according to the PAIR system Patent Term Adjustment History, attached as Exhibit B, the date that the Notice to File Missing Parts of Nonprovisional Application was originally mailed is indicated to be November 17, 2003, which is also the date that the original notice was withdrawn. This original notice was never received by Applicants' Attorney and, in fact, a copy of the original notice is not even part of the Image File Wrapper accessible through PAIR (attached as Exhibit E). Applicants' Attorney respectfully requests correction of the date of mailing of the notice and re-calculation of the patent term adjustment taking the actual date of mailing of the Notice to File Missing Parts of a Nonprovisional Application of November 2, 2004, into account.

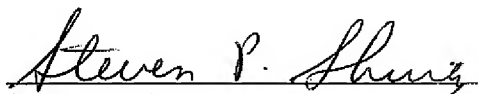
**Total patent term adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to

37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be **494** days (PTO delay) - **63** days (applicant delay) = **431** days, instead of **110** days indicated on the Notice of Allowance attached as Exhibit A.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicants' Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicants' Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,



Steven P. Shurtz  
Registration No. 31,424  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
405 South Main Street, Suite 800  
Salt Lake City, UT 84111-3400  
(801) 355-7900

## EXHIBIT A



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

757 7590 07/23/2007  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER	
FORTUNA, JOSE A	
ART UNIT	PAPER NUMBER
1731	
DATE MAILED: 07/23/2007	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,637	08/25/2003	Charles E. Friedbauer	659-1765	3892

TITLE OF INVENTION: PATTERNED FELTS FOR BULK AND VISUAL AESTHETIC DEVELOPMENT OF A TISSUE BASESHEET

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/23/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

757 7590 07/23/2007

**BRINKS HOFER GILSON & LIONE**  
**P.O. BOX 10395**  
**CHICAGO, IL 60610**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,637	08/25/2003	Charles E. Friedbauer	659-1765	3892
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**TITLE OF INVENTION: PATTERNED FELTS FOR BULK AND VISUAL AESTHETIC DEVELOPMENT OF A TISSUE BASESHEET**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/23/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
FORTUNA, JOSE A	1731	162-117000

**1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).**

**2. For printing on the patent front page, list**

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

**4a. The following fee(s) are submitted:**

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

**4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)**

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

**5. Change in Entity Status (from status indicated above)**

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,637	08/25/2003	Charles E. Friedbaucr	659-1765	3892
757	7590	07/23/2007	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			FORTUNA, JOSE A	
			ART UNIT	PAPER NUMBER
			1731	
DATE MAILED: 07/23/2007				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 110 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 110 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/648,637

Applicant(s)

FRIEDBAUER ET AL.

Examiner

José A. Fortuna

Art Unit

1731

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on May 5, 2007.
2. ☒ The allowed claim(s) is/are 9-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**


- |                                                                                                            |                                                                                        |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|                                                                                                            | 9. <input type="checkbox"/> Other _____.                                               |



## REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: applicants remarks filed on May 5, 2007 are convincing. The word embroidered<sup>1</sup>, on page 3, lines 11-13, gives

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em · broi · der  (ěm-broi'dər) [Pronunciation Key](#)

v. em · broi · dered, em · broi · der · ing, em · broi · ders

v. *tr.*

1. To ornament with needlework: *embroider a pillow cover.*
2. To make by means of needlework: *embroider a design on a bedspread.*
3. To add embellishments or fanciful details to: *embroider the truth.*

v. *intr.*

1. To make needlework.
2. To add embellishments or fanciful details.

[Middle English embrouderen, partly from embrouden (from brouden, broiden, *braided*, *embroidered*, from Old English brogden, past participle of bregdan, *to weave*; see *braid*) and partly from Old French embroder (en-, *intensive pref.*; see en-<sup>1</sup> + broder, broder, *to embroider of Germanic origin*).]

em · broi'der · er *n.*

[\(Download Now or Buy the Book\)](#)

*The American Heritage® Dictionary of the English Language, Fourth Edition*

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Art Unit: 1731

sufficient basis for the limitations of the stitch forming the pattern on the felt . See also the reasons for allowance over the prior art in office action mailed on February 6, 2007.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José A. Fortuna whose telephone number is 571-272-1188. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
José A Fortuna  
Primary Examiner  
Art Unit 1731

JAF

## EXHIBIT B

10/648,637 METHOD OF MAKING A TISSUE BASESHEET

08-13-  
2007::12:49:04**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/648,637

Filing or 371(c) Date:	08-25-2003	USPTO Delay (PTO) Delay (days):	494
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	384
Post-Issue Petitions (days):	+0	Total PTA (days):	110
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
07-23-2007	Mail Notice of Allowance		
06-27-2007	Document Verification		
06-27-2007	Notice of Allowance Data Verification Completed		
05-08-2007	Date Forwarded to Examiner		
05-05-2007	Response after Non-Final Action		
02-06-2007	Mail Non-Final Rejection		
02-05-2007	Non-Final Rejection		
01-25-2007	Date Forwarded to Examiner		
01-25-2007	Date Forwarded to Examiner		
01-19-2007	Request for Continued Examination (RCE)		57
01-25-2007	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		⌘
01-19-2007	Request for Extension of Time - Granted		⌘
01-19-2007	Workflow - Request for RCE - Begin		⌘
01-10-2007	Mail Advisory Action (PTOL - 303)		⌘
01-08-2007	Advisory Action (PTOL-303)		⌘
12-29-2006	Date Forwarded to Examiner		⌘
12-18-2006	Amendment after Final Rejection		⌘
12-18-2006	Request for Extension of Time - Granted		⌘
08-23-2006	Mail Final Rejection (PTOL - 326)		⌘
08-11-2006	Final Rejection		
06-09-2006	Information Disclosure Statement considered		
06-09-2006	Reference capture on IDS		
06-09-2006	Information Disclosure Statement (IDS) Filed		
06-09-2006	Information Disclosure Statement (IDS) Filed		
06-16-2006	Date Forwarded to Examiner		
06-09-2006	Response after Non-Final Action		6
03-09-2006	Correspondence Address Change		⌘
03-03-2006	Mail Non-Final Rejection	494	
03-02-2006	Non-Final Rejection	⌘	
12-23-2003	Information Disclosure Statement considered	⌘	

02-23-2006	IFW TSS Processing by Tech Center Complete	⌘	
12-23-2003	Reference capture on IDS	⌘	
12-23-2003	Information Disclosure Statement (IDS) Filed	⌘	
12-23-2003	Information Disclosure Statement (IDS) Filed	⌘	
12-29-2003	Preliminary Amendment	⌘	
02-23-2006	Case Docketed to Examiner in GAU	⌘	
01-18-2005	Application Return from OIPE	⌘	
01-18-2005	Application Return TO OIPE	⌘	
01-18-2005	Application Dispatched from OIPE	⌘	
01-18-2005	Application Is Now Complete	⌘	
01-03-2005	Additional Application Filing Fees		321
01-03-2005	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	⌘	
08-25-2003	Additional Application Filing Fees	⌘	
08-25-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	⌘	
11-17-2003	Pre-Exam Office Action Withdrawn	⌘	
11-17-2003	Notice Mailed--Application Incomplete--Filing Date Assigned	⌘	
11-07-2003	Cleared by OIPE CSR		
09-10-2003	IFW Scan & PACR Auto Security Review		
08-25-2003	Initial Exam Team nn		

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## EXHIBIT C



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/648,637	08/25/2003	Charles E. Freidbauer	659/1760

Steven P. Shurtz  
 BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, IL 60610

CONFIRMATION NO. 3892  
 FORMALITIES LETTER  
 \*OC000000014269341\*  
 \*OC000000014269341\*

Date Mailed: 11/02/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Mike A. Hermans, John C. Bolt, and Michael C. Johnson*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

## EXHIBIT D



*4215W*

hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313  
on December 30, 2004

Date of Deposit

Steven P. Shurtz, Reg. No. 31,424

Name of applicant, assignee or  
Registered Representative

/Steven P. Shurtz/

Signature  
December 30, 2004

Date of Signature

Case No. 659-1765

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Charles Friedbauer et al.

Serial No.: 10/648,637

Filed: August 25, 2003

For: Patterned Felts for Bulk  
and Visual Aesthetic  
Development of a Tissue  
Basesheet

Attention: Manager,  
Application Branch

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn.: Mail Stop Missing Parts

Dear Sir:

In accordance with the Notice to File Missing Parts of Application Filing Date Granted dated November 2, 2004, a copy of which is attached, enclosed herewith for filing are the following documents:



Copy of fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application filed in parent application number 09/750,407.

- ☒ Applicant:
- ☐ claims small ~~entity~~ status. See 37 CFR 1.27.
- ☒ is other than small entity
- ☒ Checks totaling \$130.00 for:
- ☐ Filing Fee of \$\_\_\_\_\_.
- ☒ Surcharge of \$130.00.
- ☐ Additional Claim Fees of \$\_\_\_\_\_.
- ☐ Search Fee of \$\_\_\_\_\_.
- ☐ Examination Fee of \$\_\_\_\_\_.
- ☐ Application Size Fee (for each additional 50 sheets that exceeds 100 sheets, including specification and drawings) of \$\_\_\_\_\_.
- ☐ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☒ Other: return postcard.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: December 30, 2004

/Steven P. Shurtz/

Steven P. Shurtz  
Registration No. 31,424  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/648,637	08/25/2003	Charles E. Freidbauer	659/1760 5

Steven P. Shurtz  
 BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, IL 60610



CONFIRMATION NO. 3892  
 FORMALITIES LETTER  
 \*OC000000014269341\*  
 \*OC000000014269341\*

Date Mailed: 11/02/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Mike A. Hermans, John C. Bolt, and Michael C. Johnson*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

01/04/2005 ANAB11 00000037 10648637 130.00 OP 01 FC:1051

*A copy of this notice **MUST** be returned with the reply.*

Z-MogUSS

• Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



DECLARATION FOR PATENT APPLICATION

Case No. 659/771

I, the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PATTERNED FELTS FOR BULK AND VISUAL AESTHETIC DEVELOPMENT OF A TISSUE BASESHEET, the specification of which:

- ☐ is attached hereto.
- ☒ was filed on December 28, 2000 as Application Serial No. 09/750,407.
- ☐ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

None

(Number)

(Country)

(Day/Month/Year Filed)

☐

Yes

☐

No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/173,628

December 29, 1999

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

None

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Residence

Citizenship

Post Office Address

Charles E. Friedbauer

Charles E. Friedbauer

Marysville, Washington

United States of America

4119 143rd Street, N.W., Marysville, Washington 98271

Date:

4/5/01

BRINKS HOFER GILSON & LIONE

P.O. Box 10395

Chicago, IL 60610

(312) 321-4200

Inventor's Signature	_____	Date:	_____
Full name of second joint inventor, if any	Mike A. Hermans		
Residence	Neenah, Wisconsin		
Citizenship	United States of America		
Post Office Address	1154 Park Village Drive, Neenah, Wisconsin 54956		

Inventor's Signature	_____	Date:	_____
Full name of third joint inventor	John C. Bolt		
Residence	Appleton, Wisconsin		
Citizenship	United States of America		
Post Office Address	N2993 Rip Van Winkle Lane, Appleton, Wisconsin 54915		

Inventor's Signature	_____	Date:	_____
Full name of fourth joint inventor	Michael C. Johnson		
Residence	Appleton, Wisconsin 54915		
Citizenship	United States of America		
Post Office Address	836 Lynch Avenue, Appleton, Wisconsin 54915		



Case No. 659/771**DECLARATION FOR PATENT APPLICATION**

As a below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PATTERNED FELTS FOR BULK AND VISUAL AESTHETIC DEVELOPMENT OF A TISSUE BASESHEET, the specification of which:

- ☐ is attached hereto.  
☒ was filed on December 28, 2000 as Application Serial No. 09/750,407.  
☐ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

None				<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)		Yes	No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>60/173,628</u>	<u>December 29, 1999</u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

None		
(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Residence

Citizenship

Post Office Address

Date:

Charles E. FreidbauerMarysville, WashingtonUnited States of America4119 143rd Street, N.W., Marysville, Washington 98271

BRINKS HOFER GILSON &amp; LIONE

P.O. Box 10395

Chicago, IL 60610

(312) 321-4200

Inventor's Signature

Full name of second joint inventor, if any

Residence

Citizenship

Post Office Address

Michael A. HermansDate: March 24, 2001Mike A. HermansNeenah, WisconsinUnited States of America1154 Park Village Drive, Neenah, Wisconsin 54956

Inventor's Signature

Full name of third joint inventor

Residence

Citizenship

Post Office Address

Date:

John C. BoltAppleton, WisconsinUnited States of AmericaN2993 Rip Van Winkle Lane, Appleton, Wisconsin 54915

Inventor's Signature

Full name of fourth joint inventor

Residence

Citizenship

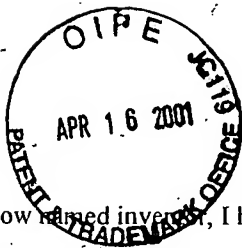
Post Office Address

Date:

Michael C. JohnsonAppleton, Wisconsin 54915United States of America836 Lynch Avenue, Appleton, Wisconsin 54915

rev. Dec.-99

Document2

Case No. 659/771**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PATTERNED FELTS FOR BULK AND VISUAL AESTHETIC DEVELOPMENT OF A TISSUE BASESHEET, the specification of which:

- ☐ is attached hereto.  
☒ was filed on December 28, 2000 as Application Serial No. 09/750,407.  
☐ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

None

(Number)

(Country)

(Day/Month/Year Filed)

☐

Yes

☐

No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/173,628

(Application Serial No.)

December 29, 1999

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

None

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Date:

Full name of sole or first inventor

Charles E. Freidbauer

Residence

Marysville, Washington

Citizenship

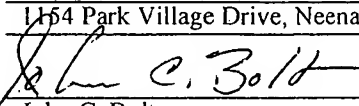
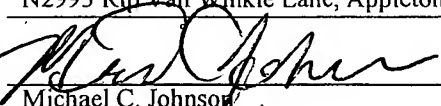
United States of America

Post Office Address

4119 143rd Street, N.W., Marysville, Washington 98271

BRINKS HOFER GILSON &amp; LIONE

P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200

Inventor's Signature	_____	Date:	_____
Full name of second joint inventor, if any	<u>Mike A. Hermans</u>		
Residence	<u>Neenah, Wisconsin</u>		
Citizenship	<u>United States of America</u>		
Post Office Address	<u>1154 Park Village Drive, Neenah, Wisconsin 54956</u>		
Inventor's Signature	<u></u>	Date:	<u>3-13-01</u>
Full name of third joint inventor	<u>John C. Bolt</u>		
Residence	<u>Appleton, Wisconsin</u>		
Citizenship	<u>United States of America</u>		
Post Office Address	<u>N2993 Rip Van Winkle Lane, Appleton, Wisconsin 54915</u>		
Inventor's Signature	<u></u>	Date:	<u>3/13/01</u>
Full name of fourth joint inventor	<u>Michael C. Johnson</u>		
Residence	<u>Appleton, Wisconsin 54915</u>		
Citizenship	<u>United States of America</u>		
Post Office Address	<u>836 Lynch Avenue, Appleton, Wisconsin 54915</u>		

## EXHIBIT E

10/648,637 METHOD OF MAKING A TISSUE BASESHEET

08-13-  
2007::13:09:21

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.**

### Available Documents

	Document Description	Page Count
07-23-2007	<b>Notice of Allowance and Fees Due (PTOL-85)</b>	<b>3</b>
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07-23-2007	Issue Information including classification, examiner, name, claim, renumbering, etc.	1
07-23-2007	Search information including classification, databases and other search related notes	1
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01-10-2007	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	1
12-18-2006	Amendment Submitted/Entered with Filing of CPA/RCE	1
12-18-2006	Claims	2
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08-23-2006	List of References cited by applicant and considered by examiner	4
08-23-2006	List of references cited by examiner	1
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06-09-2006	Applicant Arguments/Remarks Made in an Amendment	6
06-09-2006	Information Disclosure Statement (IDS) Filed	4
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06-09-2006	Fee Worksheet (PTO-06)	1
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03-03-2006	Index of Claims	1
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02-28-2006	Examiner's search strategy and results	20
01-03-2005	Applicant Response to Pre-Exam Formalities Notice	4
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11-02-2004	Miscellaneous Action with SSP	1
12-29-2003	Preliminary Amendment	2
12-29-2003	Specification	1
12-29-2003	Claims	2
12-29-2003	Applicant Arguments/Remarks Made in an Amendment	1
12-29-2003	Fee Worksheet (PTO-06)	1
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08-25-2003	Specification	11
08-25-2003	Claims	2
08-25-2003	Abstract	1
08-25-2003	Drawings	3
08-25-2003	Oath or Declaration filed	3
08-25-2003	Fee Worksheet (PTO-06)	1
08-25-2003	Fee Worksheet (PTO-06)	1

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